

Summary of Federal Laws
of possible relevance to HIV/AIDS prevention education

Mandates and scope of the federal abstinence only law

All federally funded abstinence-only programs must provide abstinence education as defined by Section 510(b) of the Welfare Reform Act, as follows:

“Abstinence education” means an educational or motivational program which:

- a) has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;
- b) teaches abstinence from sexual activity outside marriage as the expected standard for all school-age children;
- c) teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;
- d) teaches that a mutually faithful monogamous relationship in context of marriage is the expected standard of human sexual activity;
- e) teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects;
- f) teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child’s parents, and society;
- g) teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances; and
- h) teaches the importance of attaining self-sufficiency before engaging in sexual activity.

The preceding mandates apply only to the particular instruction funded with federal Title V abstinence-only funds. They do **NOT** apply to other classes within a school or to other schools in a district.

Sex education provisions of the No Child Left Behind act

The law expands the ban on using Elementary and Secondary Education Act funds to operate a program of condom distribution in schools to programs that distribute any kind of contraceptives.

ESEA funds also may not be used to (1) distribute obscene materials on school grounds; (2) fund courses or the development or distribution of materials that are designed to promote or encourage sexual activities; and (3) fund sex education in schools unless such program is age appropriate and emphasizes abstinence.